

June 15, 1998

**DURHAM, NORTH CAROLINA
MONDAY, JUNE 15, 1998
7:30 P.M.**

The Durham City Council met in regular session on the above date and time in the Council Chamber at City Hall with the following members present: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Absent: None.

Also present: City Manager P. Lamont Ewell, City Attorney Henry Blinder, City Clerk Margaret M. Bowers and Deputy City Clerk D. Ann Gray.

Mayor Tennyson called the meeting to order and at this time a proclamation was read proclaiming Monday, June 15, 1998 as "E. K. Powe School Day." Also, several first and second grade students of E. K. Powe made a presentation on the following neighborhoods: Crest Street, Walltown, West End, and Watts-Hillandale.

Mayor Tennyson asked for priority items from the City Manager, City Attorney and City Clerk. City Manager Ewell informed the council of a tragic accident which occurred at the city's transfer facility on Monday, June 15th. [Mayor requested a moment of silence]

City Clerk Bowers informed the council of valid protest petitions filed against GBA #8 [Trammell Crow Rezoning] and GBA #9 [Homescape Development Company Rezoning]. There were no priority items from the City Attorney.

The Mayor asked if any council members or citizens wanted to pull any item(s) from the Consent Agenda for discussion later in the meeting. The following items were pulled by citizens: Consent #3 [Citizens Review Board Rules of Procedures] and Consent #22 [Report from City Council Housing Authority Subcommittee].

MOTION by Council Member Larson seconded by Council Member Miller to approve the Consent Agenda as amended was approved at 7:50 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

[CONSENT AGENDA]

SUBJECT: RALEIGH-DURHAM AIRPORT AUTHORITY'S ANNUAL STATUS REPORT

MOTION by Council Member Larson seconded by Council Member Miller to receive the Raleigh-Durham Airport Authority's annual status report was approved at 7:50 p.m. by the following vote: Ayes:

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Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: DURHAM CIVIC CENTER AUTHORITY APPOINTMENT

MOTION by Council Member Larson seconded by Council Member Miller to appoint Kathryn R. Dungy to the Durham Civic Center Authority for a term to expire December 31, 1999 was approved at 7:50 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: STATUS REPORT ON CURRENT HOUSING PROJECTS

MOTION by Council Member Larson seconded by Council Member Miller to receive a status report on current housing projects was approved at 7:50 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: PLAN TO ELIMINATE SUBSTANDARD HOUSING

MOTION by Council Member Larson seconded by Council Member Miller to receive the report, adopt the Plan to Eliminate Substandard Housing, and authorize the Administration to implement the Plan was approved at 7:50 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: PROPOSED SPENDING PLAN AND SCHEDULE OF FUNDS AVAILABILITY FOR FY 1998/99 HOUSING PROGRAMS

MOTION by Council Member Larson seconded by Council Member Miller to receive the report and to adopt the Funds for Affordable Housing Spending Plan and the Schedule of Funds Availability for FY 1998/99 Housing Programs was approved at 7:50 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: LOAN MODIFICATION AGREEMENT - PHOENIX SQUARE ASSOCIATES (CENTRAL CAROLINA BANK)

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MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to execute a Loan Modification Agreement between the City of Durham and Phoenix Square Associates for an amount not to exceed \$440,408.54; and

To authorize the City Manager to execute an amendment to the Mortgage Loan Program Servicing Agreement dated May 4, 1998 between the City of Durham and Central Carolina Bank; and

To authorize the City Manager to enter into servicing confirmation agreements with Central Carolina Bank for non-residential community development loans approved by City Council was approved at 7:50 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: BIDS - ESTIMATED ANNUAL REQUIREMENTS FOR TREE PRUNING, REMOVAL AND EMERGENCY SERVICES, ASPLUNDH TREE EXPERT COMPANY

MOTION by Council Member Larson seconded by Council Member Miller to accept the bid from Asplundh Tree Expert Company in the amount of \$96,000 for furnishing the City with its estimated annual requirement for tree pruning, removal, and emergency services was approved at 7:50 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: BIDS - ELEVATOR MODERNIZATION FOR POLICE HEADQUARTERS, SCHINDLER ELEVATOR CORPORATION

MOTION by Council Member Larson seconded by Council Member Miller to accept the bid from Schindler Elevator Corporation in the amount of \$151,540 for elevation modernization and 48 months maintenance for the Police Headquarters was approved at 7:50 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: AMENDMENT TO BANKING SERVICES AGREEMENT - MECHANICS AND FARMERS BANK

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to execute Contract No. 10 to Amend Agreement for Banking Services with Mechanics and Farmers Bank for the period July 1, 1998 through June 30, 1999 was approved at 7:50 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro

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Tempore Clement and Council Members Blyth, Brown, Burnette, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Abstention: Council Member Cox. Absent: None.

(Councilmember Tyrone Cox abstained from voting on this item)

SUBJECT: PRIVILEGE LICENSES

MOTION by Council Member Larson seconded by Council Member Miller to receive a follow-up report from the Administration on questions on Privilege Licenses was approved at 7:50 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: LIVE FIRE TRAINING EXERCISES - STRUCTURES LOCATED AT 1008, 1010, 1012 ANGIER AVENUE, 207 GRAY AVENUE AND 305 LYON STREET

- a. **MOTION** by Council Member Larson seconded by Council Member Miller to approve the burning of the structures located at 1008, 1010 and 1012 Angier Avenue for live fire training exercise was approved at 7:50 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.
- b. **MOTION** by Council Member Larson seconded by Council Member Miller to approve the burning of the structure located at 207 Gray Avenue for live fire training exercise was approved at 7:50 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.
- c. **MOTION** by Council Member Larson seconded by Council Member Miller to approve the burning of the structure located at 305 Lyon Street for live fire training exercise was approved at 7:50 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: STATUS REPORT ON HERITAGE SQUARE DEVELOPMENT

MOTION by Council Member Larson seconded by Council Member Miller to receive a status report concerning the Heritage Square Development was approved at 7:50 p.m. by the following vote:

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Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: SITE PLAN APPROVAL - BERRINGTON FLEX SPACE

MOTION by Council Member Larson seconded by Council Member Miller to approve a site plan for Berrington Flex Space, submitted by Rice and Associates, consisting of two combination office/warehouse buildings totaling 202,400 square feet proposed on 29.99 acres, zoned I-1, and located east of N.C. Highway 54, south of Emperor Boulevard and north of Surles Court (Tax Map #585-3-12R, 15) was approved at 7:50 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: SITE PLAN APPROVAL - TBC PLACE

MOTION by Council Member Larson seconded by Council Member Miller to approve a site plan for TBC Place, submitted by OA Development, consisting of an 82,350 square foot office building on 8.97 acres, zoned I-2, and located east of South Miami Boulevard, north of Stirrup Creek Drive and south of T. W. Alexander Drive (Tax Map #577-4-1) was approved at 7:50 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: SITE PLAN APPROVAL - 2600 MERIDIAN PARKWAY

MOTION by Council Member Larson seconded by Council Member Miller to approve a site plan for 2600 Meridian Parkway, submitted by CMD Realty Investors, Inc., consisting of a 66,025 square foot office building proposed on a 6.92 acre parcel zoned I-2 and F/J-B, located on the western edge of the loop formed by Meridian Parkway in the Meridian Business Campus, west of NC Highway 55 and north of I-40 (Tax Map #548-1-25 and 28) was approved at 7:50 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: PROPOSED ACQUISITION FOR THE FUTURE EXPANSION OF LAKE MICHIE LOCATED ON JOE ELLIS ROAD, PROPERTY OF GRAMAR L.L.C.

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MOTION by Council Member Larson seconded by Council Member Miller to approve the acquisition of approximately 42.8 acres of land located on Joe Ellis Road, Tax Maps 948-01-005F, 948-01-005G, and 948-01-005H, property of Gramar, L.L.C. for \$7,500 per acre (exact acreage to be determined by a survey satisfactory to the City prior to closing) was approved at 7:50 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: PROPOSED EXCHANGE OF PROPERTY WITH NORTH CAROLINA DEPARTMENT OF TRANSPORTATION - DUKE PARK

MOTION by Council Member Larson seconded by Council Member Miller to adopt a resolution to approve the exchange with the North Carolina Department of Transportation of approximately 3,940.28 square feet of City property (part of Duke Park) in exchange for approximately 16,830.675 square feet of right of way (adjacent to Duke Park) was approved at 7:50 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: UPDATE OF SOLID WASTE MANAGEMENT PLAN

MOTION by Council Member Larson seconded by Council Member Miller to approve the update revisions to the City of Durham Solid Waste Management Plan was approved at 7:50 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: LICENSE AGREEMENT WITH DUKE UNIVERSITY - SWIFT AVENUE

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to enter into License Agreement with Duke University to install electrical conduit under Swift Avenue to provide additional power to area buildings was approved at 7:50 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: WATER AND SEWER EXTENSION AGREEMENT WITH ROBERTS CONSTRUCTION COMPANY, INC. - ALAMEDA STREET AND KINGSTON AVENUE

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MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to enter into an agreement with Roberts Construction Company, Inc. to extend City water and sewer to serve portions of Alameda Street and Kingston Avenue was approved at 7:50 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: BILLINGS & GARRETT, INC. CONTRACT WS-72 - SEWER OUTFALLS, SEWER MAINS, WATER MAINS TWO-INCH WATER MAIN REPLACEMENTS, AND INSTALLATION OF WATER MAINS AND FIRE HYDRANTS

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to enter into a contract with Billings & Garrett, Inc. in the amount of \$938,716.30 for Contract WS-72; and

To authorize the expenditure of \$635,000 from the Sewer Extensions and Improvements Account; and

To authorize the expenditure of \$285,000 from the Water Extensions and Improvements Account; and

To authorize the expenditure of \$180,000 from the Two-Inch Replacement Account was approved at 7:50 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: WATER MAIN - DEBRA DRIVE FROM NORTH PROPERTY LINE OF TAX MAP 718-3-8 TO CARPENTER ROAD

MOTION by Council Member Larson seconded by Council Member Miller to adopt a resolution ordering water main on Debra Drive from north property line of Tax Map 718-3-8 to Carpenter Road was approved at 7:50 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: ROADSIDE MEMORIALS

MOTION by Council Member Larson seconded by Council Member Miller to receive a report from the Administration regarding roadside memorials; and

To set a public hearing on Monday, July 20, 1998 to receive

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citizens' comments on "An Amendment to the City Code to Allow the Removal of Obstructions in the Right of Way that Create a Dangerous Condition" was approved at 7:50 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: RESOLUTION MEMORIALIZING JOSEPHINE DOBBS CLEMENT

MOTION by Council Member Larson seconded by Council Member Miller to adopt a "Resolution Memorializing Josephine Dobbs Clement" was approved at 7:50 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: RESOLUTION MEMORIALIZING TERRY SANFORD

MOTION by Council Member Larson seconded by Council Member Miller to adopt a "Resolution Memorializing Terry Sanford" was approved at 7:50 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: LETTER TO LOCAL LEGISLATIVE DELEGATION REGARDING SUPPORT FOR MOTOR VEHICLE TAX PORTION OF 1998 LEGISLATIVE PROGRAM

MOTION by Council Member Larson seconded by Council Member Miller to request the Mayor, on behalf of the City Council, to send a letter, with a copy of *The State* article, "City bus plan facing red lights," to each of our local Legislative Delegation in support of the portion of the City's adopted 1998 Legislative Program--4. Motor Vehicle Tax. was approved at 7:50 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: RESOLUTION OF RECOGNITION - GITHENS SHOW DOGS DRILL TEAM

MOTION by Council Member Larson seconded by Council Member Miller to adopt a "Resolution of Recognition Githens Show Dogs Drill Team" to ratify the previous action of City Council [Resolution read at May 4, 1998 City Council Meeting] was approved at 7:50 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller.

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Noes: None. Absent: None.

SUBJECT: BID REPORT - APRIL 1998

MOTION by Council Member Larson seconded by Council Member Miller to approve and record in the minutes bids and items displayed in the attachment which were acted upon by the City Manager during the month of April 1998 was approved at 7:50 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

[See Attachment #1 for itemized bid report]

SUBJECT: BIDS - ESTIMATED ANNUAL REQUIREMENTS FOR LIQUID ALUMINUM SULFATE, GENERAL CHEMICAL CORPORATION

MOTION by Council Member Larson seconded by Council Member Miller to accept the bid from General Chemical Corporation in the amount of \$246,500 for furnishing the City with its estimated annual requirements for liquid aluminum sulfate (2,000 tons) was approved at 7:50 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: BID - ESTIMATED ANNUAL REQUIREMENT FOR BIOXIDE, U. S. FILTER/DAVIS PROCESS, U. S. FILTER DISTRIBUTION GROUP, INC.

MOTION by Council Member Larson seconded by Council Member Miller to accept the bid from U.S. Filter/Davis Process, U.S. Filter Distribution Group, Inc. in the amount of \$194,400 for furnishing the city with its estimated annual requirements for bioxide (108,000 gallons) was approved at 7:50 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: BIDS - POLICE MOBILE COMMUNITY SUBSTATION, FARBER SPECIALTY VEHICLES

MOTION by Council Member Larson seconded by Council Member Miller to accept the bid from Farber specialty Vehicles in the amount of \$122,945 for furnishing the City with a police mobile community substation was approved at 7:50 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members

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Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: BIDS - COMBINATION SEWER CLEANER, TWIN STATES EQUIPMENT, INC.

MOTION by Council Member Larson seconded by Council Member Miller to accept the bid from Twin States Equipment, Inc. in the amount of \$159,998 for furnishing the City with a combination sewer cleaner; and

To waive the requirement for a Performance Bond was approved at 7:50 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: BIDS - ESTIMATED ANNUAL REQUIREMENTS FOR METER COUPLING AND SETTING PARTS, MILLER SUPPLY COMPANY

MOTION by Council Member Larson seconded by Council Member Miller to accept the bid from Miller Supply Company in the amount of \$103,433 for furnishing the City with its estimated annual requirements for meter coupling and setting parts; and

To waive the requirement for a Performance Bond was approved at 7:50 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: BIDS - ESTIMATED ANNUAL REQUIREMENTS FOR TIRES AND TUBES -NU-TREAD TIRE COMPANY, INC.

MOTION by Council Member Larson seconded by Council Member Miller to accept the bid from Nu-Tread Tire Company, Inc. in the amount of \$340,257.06 for general tires and tubes (Section I) and fire truck tires and tubes (Section II); and

To waive the requirement for a Performance Bond was approved at 7:50 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: SEWER MAIN - INLET AVENUE FROM JUNCTION ROAD TO HARVEST STREET (ENABLING ACT AUTHORITY) - SETTING PUBLIC HEARING

MOTION by Council Member Larson seconded by Council Member Miller

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to adopt a resolution setting a public hearing on Monday, July 20, 1998 to consider ordering sewer main on Inlet Avenue from Junction Road to Harvest Street under the Enabling Act Authority was approved at 7:50 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: FORTY MILES PER HOUR SPEED LIMIT - LATTA ROAD

MOTION by Council Member Larson seconded by Council Member Miller to adopt an ordinance establishing a 40 mph speed limit on Latta Road (SR 1448) from NC 157 (Guess Road) eastwardly to US 501 (Roxboro Road) was approved at 7:50 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: STOP SIGNS - OLD FARM SUBDIVISION

MOTION by Council Member Larson seconded by Council Member Miller to adopt an ordinance authorizing the installation of stop signs at the following locations was approved at 7:50 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

- a. Fieldstone Place at Whippoorwill Street, northwest corner
- b. Candlewood Place at Old Well Street, northeast corner.

SUBJECT: CITY COUNCIL MINUTES - CITY CLERK'S OFFICE

MOTION by Council Member Larson seconded by Council Member Miller to approve the official minutes of the following City Council Meetings was approved at 7:50 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

May 4, 1998 - Regular Meeting
May 14, 1998 - Special Meeting
May 18, 1998 - Regular Meeting

[GENERAL BUSINESS AGENDA]

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[PUBLIC HEARINGS]

SUBJECT: Sewer Main - Rogers Road from Fletchers Chapel Road to Penrod Road and **Fletchers Chapel Road** from Rogers Road to South Property Line Tax Map 707-7-16 (Mini-Assessment Roll) - Property of Michael T. and Sandra G. Sewell

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Miller to find that the property of Michael T. and Sandra G. Sewell, identified as Tax Map 707-2-4, 4008 Rogers Road, Lot 16, has benefited from the sewer main improvement and to confirm the assessment in the amount of \$1,774.85 (partial relief granted due to additional plumbing expenses) was approved at 7:51 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: SEWER MAIN - LEDNUM STREET FROM WEST MURRAY AVENUE TO NORTH PROPERTY LINE TAX MAP 74, BLOCK 1, PARCEL 1

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Miller to adopt a resolution confirming the assessment roll for sewer main on Lednum Street from West Murray Avenue to north property line Tax Map 74, Block 1, Parcel 1 was approved at 7:51 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: SEWER MAIN - GUS ROAD FROM WEST PROPERTY LINE OF TAX MAP 664-4-3 TO ROBBINS ROAD AND ROBBINS ROAD FROM CENTERLINE OF GUS ROAD TO CENTERLINE OF CHICKASAW ROAD

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Miller to adopt a resolution ordering sewer main improvements on Gus Road

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from west property line of Tax Map 664-4-3 to Robbins Road and Robbins Road from centerline of Gus Road to centerline of Chickasaw Road was approved at 7:52 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: VOLUNTARY PETITIONS FOR ANNEXATION FOR FISCAL YEAR 1998 -
SALEM LEASING CORPORATION, GRENFELL SUBDIVISION, AND
TREYBURN WB PHASE II**

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

a. FY98-10, Salem Leasing Corporation

MOTION by Council Member Larson seconded by Council Member Miller to receive citizens' comments concerning the annexation of property of Salem Leasing Corporation, which consists of 14.155 acres non-contiguous to the City Limits and located at 3415 U.S. Highway 70, south of Leesville Road; and

To adopt "An Ordinance Annexing to the City of Durham an Area Hereinafter Described, Which is Not Contiguous to the Present Corporate Boundary of the City of Durham, Under the Provisions of NCGS 160A-58 Et. Seq., (Salem Leasing Corporation)" was approved at 7:52 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

b. FY98-11, Grenfell Subdivision

MOTION by Council Member Larson seconded by Council Member Miller to receive citizens' comments concerning the annexation of Grenfell Subdivision, which consists of 3 acres contiguous to the City Limits and located south of N.C. 54 and north of Barbee Road; and

To adopt "An Ordinance Annexing to the City of Durham an Area Hereinafter Described and Abutting Directly on the Present Corporate Boundary of the City of Durham, Under the Provisions of NCGS 160A-31 (Grenfell Subdivision)" was approved at 7:52 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

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c. FY-98-12, Treyburn WB Phase II

MOTION by Council Member Larson seconded by Council Member Miller to receive citizens' comments concerning the annexation of Treyburn WB Phase II, which consists of 61.02 acres non-contiguous to the City Limits and located in the southwestern portion of Treyburn, is part of the area known as the Westbank, is north of Snow Hill Road, and includes part of the extension of Vintage Parkway; and

To adopt "An Ordinance Annexing to the City of Durham an Area Hereinafter Described, Which is Not Contiguous to the Present Corporate Boundary of the City of Durham, Under the Provisions of NCGS 160A-58 Et. Seq., (Treyburn WB Phase II)" was approved at 7:52 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: STREET CLOSING - 31,450± SQUARE FOOT PORTION OF SAYWARD DRIVE

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Miller to adopt an "Order Permanently Closing 31,450± Square Foot Portion of Sayward Drive, South of Watkins Road and East of Mt. Moriah Road" was approved at 7:53 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: PROPOSED AMENDMENT TO THE PERFORMANCE SECTION OF THE DURHAM ZONING ORDINANCE TO REVISE STANDARDS FOR FENCES [TC73-98]

To receive citizens' comments concerning the proposed amendment.

To adopt "An Ordinance to Amend the Durham Zoning Ordinance Regarding Performance Standards for Fences" [TC73-98].

Joint City-County Planning Committee's Recommendation: Approval

Zoning Committee's Recommendation: Approval

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

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Brenda Watkins, a resident of Oxford Manor, requested information on the standards for fences.

Bonnie Estes, of the City/County Planning Department, noted the purpose of the amendment. Ms. Estes stated from an individual's front yard [from the building to the street] a fence can only be 4 feet high unless approval is obtained from the Board of Adjustment for a higher fence.

Brenda Watkins distributed information from the Fire Department regarding an issue by the Durham Housing Authority concerning fencing in Oxford Manor.

Mayor Tennyson asked if there were other individuals wanting to speak.

A motion was made by Council Member Larson to approve the ordinance amendment regarding performance standards for fences. This motion was seconded by Council Member Langley.

Council Member Engelhard raised concern with landscaping being used against transparent fencing.

SUBSTITUTE MOTION by Council Member Engelhard seconded by Council Member Cox to continue the public hearing without further advertising and to refer this item to the Crime Prevention Office of the Police Department to review [item to come back before Council on July 20, 1998] was approved at 8:02 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: PROPOSED AMENDMENT TO THE SIGN SECTION OF THE DURHAM ZONING ORDINANCE TO REVISE STANDARDS FOR SIGNS IN RESIDENTIAL AREAS [TC76-98]

To receive citizens' comments concerning the proposed amendment.

To adopt "An Ordinance to Amend the Durham Zoning Ordinance to Provide Standards for Signs for Charitable Organizations in Residential Zones" [TC76-98].

Joint City-County Planning Committee's Recommendation: Approval

Zoning Committee's Recommendation: Approval

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

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MOTION by Council Member Larson seconded by Council Member Miller to receive citizens' comments concerning the proposed amendment; and

To adopt "An Ordinance to Amend the Durham Zoning Ordinance to Provide Standards for Signs for Charitable Organizations in Residential Zones" [TC76-98] was approved at 8:06 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: ZONING MATTER CASE P97-83, TRAMMELL CROW, 3900 GARRETT ROAD

Case: P97-83 [Amended]

Applicant: Trammell Crow

Location: The 66.4-acre site consists of two parcels located at 3900 Garrett Road, identified as Tax Map 463, Block 1, Lots 2 and 3

Request: Rezoning from R-20 (Residential 20) to PDR 4.25 (Planned Density Residential with 4.25 units per acre)

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of R-20 and placing same in and establishing same as PDR 4.25.

Zoning Committee's Recommendation and Vote: 7-0

City Manager's Recommendation: Approval

Note: Valid protest petitions filed against this rezoning case.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Proponents

Attorney Jack Markham, representing the applicant, stated as a result of numerous meetings with the city staff, the two neighborhoods and the New Hope Creek Advisory Committee, Trammell Crow has attempted to make the project more compatible by doing the following: 1) reducing the density of Area D to 2.7 units per acre; 2) reducing the density of Area F to 2.05 units per acre; 3) the high density portion of the projects in Areas E and G are located in the interior and on the southside of the property away from both Garrett Farms and the Landsbury Drive neighborhoods; 4) Trammell Crow is leaving undisturbed 32.8 acres of the 66.6 acre tract which is 49.2% of the total acreage; 5) protecting the entire floodplain plus 5.5 acres outside of the floodplain is

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shown in Area C and dedicating public access from Garrett Road through the property goes beyond what is envisioned in the New Hope Creek Corridor Open Space Master Plan; 6) the ordinance requires 8 acres of open space for this project and Trammell Crow is providing 32.8 acres of open space which is 410% of the amount required and the impervious surface of the project is under 15%; 7) the ordinance requires 50 feet wide transitional use area between multi-family residential and single family residential and Trammell Crow has tripled these 50 feet wide transitional use areas to 150 feet adjacent to Garrett Farms and Garrett Road - in addition the development proposes an 8 to 12 feet high planted berm within the transitional use area along Garrett Road; 8) Trammell Crow is further willing to maintain and supplement all of the mature trees within the transitional use area to a width of 75 feet adjacent to Garrett Farms.

Attorney Markham noted that the 2005 Plan and 2020 Plan were drafted and approved after considerable input from neighborhoods, planners and elected officials. Attorney Markham noted the City Council in the 2020 Plan decided to set a policy encouraging density in certain areas such as compact neighborhoods near regional corridors. He stated the 2020 Plan does recognize that some of the land in the compact neighborhoods is already developed and new development should be integrated with existing homes and businesses. Attorney Markham stated that Trammell Crow was integrating this project with the existing neighborhoods through the use of extra wide transitional use areas, vegetated buffers, berms and graduation of density away from existing homes.

Attorney Markham stated that the City Council at its last meeting asked that the applicant and the Garrett Farms - Landsbury Drive Neighborhoods try and come to an agreement on the rezoning. He stated they met with the neighborhood representatives and offered to reduce the density from 335 units to 282 units. He stated the neighborhood is requesting 220 units [3.3 units per acre]. Attorney Markham stated a reduction of more than 53 units makes the project increasingly unfeasible economically for Trammell Crow and makes the project more inconsistent with the 2020 Plan. Mr. Markham noted the applicant was proposing to develop this area as requested by council in their adopted plans and he asked council to approve the rezoning request.

Al Williford, representing Kimberly-Horn & Associates, stated that the traffic generated by this site would be nearly compatible to a single family development developed at a R-15 density. He noted that the increase in the lanes at the intersection surrounding this site would have an average delay of two seconds which includes the intersection of 15-501 and Garrett Road. He stated the intersection of 15-501 and Garrett Road corridor would be the focus for future transit use and increased density in the vicinity of these corridors was the only way transit use was going to increase in this area.

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Opponents

Bob Jentsch, a resident of Garrett Farms stated that the developer's rezoning location: 1) is shown on the adopted 2020 Plan as "surburban neighborhoods"; 2) it is not planned for high density development; 3) it is not in the regional corridor study area; 4) it is not in a compact neighborhood surrounding a transit station; and; 5) it assumes a transit station location before the 15-501 MIS study even locates the transit line.

Mr. Jentsch noted that the proposed development plan: 1) is in direct conflict with council's adopted policies; 2) it has no bicycle/walking trail connections to the south; 3) places a trash compactor directly across the street from existing homes; 4) has no ballfield or soccer field; 4) does not adequately protect against pollutant run-off into Mud Creek; 5) it is auto-oriented not pedestrian-oriented; 6) has no sidewalks for connections within the complex; 7) labels a street/parking area as a playground; 8) encourages cut-through traffic; and 9) proposes a bus stop but does not provide it. He stated the development scheme arbitrarily places a compact neighborhood on this site to justify high density and then presents a development plan that is overwhelmingly auto-oriented and not transit-oriented.

Mr. Jentsch stated the major issues raised at the council's last public hearing were school overcrowding and traffic congestion. [Mr. Jentsch presented an analysis chart demonstrating and comparing existing zoning; the 2020 Plan; the proposed rezoning and the development as a retirement center]. Mr. Jentsch noted as you incrementally increase the number of units on this site, the schools are overcrowded and increase traffic congestion. Mr. Jentsch asked the council to deny this request or defer requesting the developer to prepare a density for this site that is consistent with the council's adopted 2020 Plan. He suggested that a density of 3.3 dwelling units per acre or 220 units was slightly above the midrange recommended by the 2020 Plan. Also, he suggested that the developer modify the proposal to make it less dependent on the auto, more livable for the residents of the complex, and have less impact on adjacent neighborhoods and the Durham community at large.

In conclusion, Mr. Jentsch requested the following: 1) relocate the trash compactor; 2) eliminate the Collander Drive cut-through; 3) provide a soccer and/or ballfield; 4) provide a bus stop location and shelter; 5) provide internal sidewalks; 6) provide retention ponds and filtering systems; and 7) provide pedestrian/bike connections to the south. He stated all of these measures can easily be accomplished on the 66.4 acre site, the developer and landowner will benefit financially and the City Council will create a positive message that says we welcome quality development in Durham that is consistent with adopted plans.

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Stanley Hoffman, President of the Garrett Farms Homeowners Association, stated that other developments being currently considered for rezoning in the area would add more traffic to the 15-501 intersection which is currently operating at a Level of Service D. He noted that the staff has stated it was possible with the additional traffic resulting from these developments would bring the 15-501 intersection to a Level of Service E. Mr. Hoffman stated if development leads to increased traffic congestion, then fewer developments are needed or local roads need to be improved to handle the traffic.

Gerald Esposito, representing Landsbury/Waterbury Homeowners Association, stated the proposed development does not match the integrity of the neighborhood; the density is too high; and it will affect the traffic tremendously on Garrett Road and 15-501. Mr. Esposito stated they did meet with the applicant; however, they were told 282 units was the offer and if the residents did not support the 282 units, the applicant would come back to council with the original 335 units. He noted they did come to some agreements; however, with the new proposal it appears that none of the items discussed were included. Mr. Esposito noted the development does not fit the neighborhood and urged council to deny the request.

Rebuttal

Al Williford stated that traffic from the proposed development would not increase by 40%. Mr. Williford noted that the city's policy requires that all developments review their traffic impacts and that has been done for the proposed site. As stated earlier, Mr. Williford reminded the council the average delay at the intersections would increase by no more than 2 to 2 1/2 seconds.

Attorney Jack Markham stated the trash compactor would be removed; the sidewalks will be installed per city policy; the applicant is going to show the Collander Drive cut-through on the development plan unless the council instructs the applicant to do otherwise, and a bus stop will be provided at the time DATA provides service. Mr. Markham noted this proposal would generate less overcrowding in the schools compared to single family and it would cost more to provide water and sewer to single family.

Discussion was held by council on the traffic analysis; sidewalks; retention ponds; the number of units per acre; Collander Drive cut-through; the current R-20 zoning and what is allowed; the cumulative impact of traffic; and the possibility of intervention from the Dispute Settlement Center.

A motion was made by Mayor Pro Tempore Clement to approve the rezoning request as printed. This motion was seconded by Council Member Larson.

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SUBSTITUTE MOTION by Council Member Cox seconded by Council Member Blyth to continue the public hearing until the July 20, 1998 City Council Meeting to allow further dialogue between the applicant and residents was approved at 9:56 p.m. by the following vote:
Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, McKissick and Miller. Noes: Council Members Langley and Larson.
Absent: None.

**SUBJECT: ZONING MATTER CASE P98-4, HOMESCAPE DEVELOPMENT COMPANY,
5622 GARRETT ROAD**

Case: P98-4

Applicant: Homescape Development Company

Location: 15.973 acre site consisting of one parcel located at 5622 Garrett Road, identified as Tax Map 430B, Block 1, Lot 1

Request: Rezoning from R-20 (Residential 20); F/J-B to PDR-2.51 (Planned Density Residential with 2.51 units per acre); F/J-B.

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of R-20; F/J-B and placing same in and establishing same as PDR-2.51; F/J-B.

Zoning Committee's Recommendation: Denial (7-0)

City Manager's Recommendation: To be provided at the Committee-of-the-Whole Meeting [See memo dated June 9, 1998 for staff's recommendation]

Note: Valid protest petition filed against this rezoning case.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Proponents

Bill Roberts, representing the applicant, requested council to delay action on this matter until the July 20, 1998 City Council Meeting. He stated the applicant wanted to submit a new plan.

Opponents

Ed Thomas, a resident of Colorado Avenue, stated he was in support of the delay; however, he requested the item be referred to a later date due to vacations being scheduled by the residents.

Dr. Miguel Medina, Jr., a resident of Colorado Avenue, stated he was fully prepared this evening to comment on the rezoning case. He noted if the council chose to hear this case at a later date, he requested that it be later than July 20, 1998.

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MOTION by Council Member Larson seconded by Council Member Miller to continue the public hearing until the August 17, 1998 City Council Meeting was approved at 10:06 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: ZONING MATTER CASE P98-6, TRIBEK PROPERTIES, 3300 HILLSBOROUGH ROAD

Case: P98-6

Applicant: Tribek Properties

Location: The 1.544 acre site is located at 3300 Hillsborough Road (Tax Map 210, Block 4, Lot 1)

Request: Rezoning from CT (Commercial Trades) to GC(D) (General Commercial with a Development Plan)

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described out of CT and placing same in and establishing same as GC(D).

Zoning Committee's Recommendation: Approval (7-0)

City Manager's Recommendation: Approval

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Jim Hendrick, representing the applicant, spoke in support of the request.

Tom Miller, representing Watts-Hillandale Neighborhood Association, spoke in support of the request.

No one spoke in opposition. Mayor Tennyson closed the public hearing.

MOTION by Council Member Larson seconded by Council Member Miller to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described out of CT and placing same in and establishing same as GC(D) was approved at 10:13 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: ZONING MATTER CASE P98-12, RESCUE MISSIONS MINISTRIES, ALSTON AND MORNING GLORY AVENUES AND HOLMAN AND EAST MAIN STREETS

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Case: P98-12

Applicant: Rescue Missions Ministries

Location: The 3.3 acre site involves the entire block between Alston and Morning Glory Avenues, and Holman and East Main Streets (Tax Map 131, Block 10, Lots 1 through 13)

Request: Rezoning from R-3 (Residential 3) and GC (General Commercial) to RM-8 (Residential Multi-Family)

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of R-3 and GC and placing same in and establishing same as RM-8.

Zoning Committee's Recommendation: Approval (7-0)

City Manager's Recommendation: Approval

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Reverend Ernie Mills, representing Durham Rescue Mission, spoke in support of the rezoning request.

No one spoke in opposition. Mayor Tennyson closed the public hearing.

MOTION by Council Member Larson seconded by Council Member Miller to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of R-3 and GC and placing same in and establishing same as RM-8 was approved at 10:14 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: ZONING MATTER CASE P98-19, GERALD L. RIGSBEE, COMFORT LANE FORMERLY NEAL ROAD ADJACENT TO NC 147

Case: P98-19

Applicant: Gerald L. Rigsbee

Location: The 2 acre site is located on Comfort Lane (formerly Neal Road) adjacent to NC 147 (Tax Map 757, Block 2, Lots 5, 6, 7, and 8)

Request: Rezoning from R-20 (Residential-20 District), RM-12 (Residential Multi-Family District), and I-2(D) (Light Industrial District with Development Plan) to CT(D) (Commercial Trades District with a Development Plan); and a change in the Development Plan for the remaining I-2(D) portion of the site.

To adopt an ordinance amending the Zoning Ordinance, the same

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being Chapter 24 of the Durham City Code, by taking the above described property out of R-20, RM-12, and I-2(D) and placing same in and establishing same as CT(D); and by making a change in the Development Plan for the remaining I-2(D) portion of the site.

Zoning Committee's Recommendation: Approval (7-0)

City Manager's Recommendation: Approval

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Mr. Coulter spoke in support of the request.

No one spoke in opposition. Mayor Tennyson closed the public hearing.

MOTION by Council Member Larson seconded by Council Member Miller to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of R-20, RM-12, and I-2(D) and placing same in and establishing same as CT(D); and by making a change in the Development Plan for the remaining I-2(D) portion of the site was approved at 10:16 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: ZONING MATTER CASE P98-20, TICON PROPERTIES, LLC, 922 MORRENE ROAD

Case: P98-20

Applicant: Ticon Properties, LLC

Location: The 1.47 acre site consists of 2 parcels located at 922 Morreene Road, identified as Tax Map 290, Block 2, Lots 2 and 3

Request: Rezoning from RM-12 (Residential Multi-Family) to OI-1(D) (Transitional Office and Institutional District with a Development Plan)

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of RM-12 and placing same in and establishing same as OI-1(D).

Zoning Committee's Recommendation: Approval (7-0)

City Manager's Recommendation: Approval

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

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MOTION by Council Member Larson seconded by Council Member Miller to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of RM-12 and placing same in and establishing same as OI-1(D) was approved at 10:16 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: ZONING MATTER CASE P98-11, CITY OF DURHAM, 800 BLOCK OF MANGUM STREET [BETWEEN MANGUM AND ROXBORO STREETS]

Case: P98-11

Initiated by: City of Durham

Location: The 2.21 acre site is located on the east side of the 800 block of Mangum Street, between Mangum and Roxboro Streets, north of Corporation Street and south of Geer Street (Tax Map 121A, Block 1, All Lots)

Request: Rezoning from GC (General Commercial) to RM-8 (Residential Multi-Family)

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of GC and placing same in and establishing same as RM-8.

Zoning Committee's Recommendation: Approval (7-0)

City Manager's Recommendation: Approval

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

Council Member McKissick informed his colleagues that he did own property within the area being rezoned.

MOTION by Council Member Larson seconded by Council Member Miller to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of GC and placing same in and establishing same as RM-8 was approved at 10:17 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: ZONING MATTER CASE P98-16, CITY OF DURHAM, GLENDALE

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AVENUE BETWEEN CORPORATION AND GEER STREETS

Case: P98-16

Initiated by: City of Durham

Location: The 4.08 acre site is located on the east and west sides of Glendale Avenue, between Corporation and Geer Streets (Tax Map 62, Block 5, Lots 25, 26, 27, 31, 32, 33, and 34; Tax Map 121, Block 8, Lots 2, 5, 9, 11, 16 partial, 13 partial, and 14 partial)

Request: Rezoning from RM-20 (Residential Multi-Family) to R-5 (Residential 5)

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of RM-20 and placing same in and establishing same as R-5.

Zoning Committee's Recommendation: Approval (7-0)

City Manager's Recommendation: Approval

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

Council Member McKissick informed his colleagues that he did own property within the area being rezoned.

MOTION by Council Member Larson seconded by Council Member Miller to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of RM-20 and placing same in and establishing same as R-5 was approved at 10:18 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: ZONING MATTER CASE P97-88 ANNEXATION CITY OF DURHAM, CHIN PAGE ROAD WEST OF NEW PAGE ROAD

Case: P97-88 - Annexation

Initiated by: City of Durham

Location: The 3.949 acre site is located on the south side of Chin Page Road, west of New Page Road (Tax Maps 588-1-9A, 9B partial, 9C)

Request: Rezoning from County I-2 and SC to City I-2 and SC

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, to establish City I-2 and SC zoning for the above described property--effective June 30,

June 15, 1998

1998.

Zoning Committee's Recommendation: Approval (6-0)

City Manager's Recommendation: Approval

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member McKissick to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, to establish City I-2 and SC zoning for the above described property--effective June 30, 1998 was approved at 10:18 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: ZONING MATTER CASE P98-21, CITY OF DURHAM ANNEXATION, N. C. 751 AND WEST SIDE OF FAYETTEVILLE ROAD SOUTH OF MASSEY CHAPEL ROAD

Case: P98-21 - Annexation

Initiated by: City of Durham

Location: The 175.15 acre site is located on the east side of N.C. 751, and the west side of Fayetteville Road, south of Massey Chapel Road (Tax Maps 501-1-3; 502-3-1; 529-1-24, and 25B)

Request: Rezoning from County PDR-2.65; F/J-B to City PDR-2.65; F/J-B

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, to establish City PDR-2.65; F/J-B zoning for the above described property--effective June 30, 1998.

Zoning Committee's Recommendation: Approval (6-0)

City Manager's Recommendation: Approval

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Miller to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, to establish City PDR-2.65; F/J-B zoning for the above described property--effective June 30, 1998 was approved at 10:19 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council

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Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: ZONING MATTER CASE P98-22, CITY OF DURHAM ANNEXATION, TREYBURN WEST SIDE OF VINTAGE HILL PARKWAY

Case: P98-22 - Annexation

Initiated by: City of Durham

Location: The 80 acre site is located within Treyburn, on the west side of Vintage Hill Parkway, north of Little River, east of Old Trail Drive (Tax Maps 949-1-1 partial, and 949D)

Request: Rezoning from County PDR-2.24; F/J-B to City PDR-2.24; F/J-B

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, to establish City PDR-2.24; F/J-B zoning for the above described property--effective June 30, 1998.

Zoning Committee's Recommendation: Approval (6-0)

City Manager's Recommendation: Approval

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Miller to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, to establish City PDR-2.24; F/J-B zoning for the above described property--effective June 30, 1998 was approved at 10:19 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: ZONING MATTER CASE P98-23, CITY OF DURHAM ANNEXATION, SOUTHERN END OF NEWHALL ROAD EAST OF GRANDALE DRIVE

Case: P98-23 - Annexation

Initiated by: City of Durham

Location: The 12.06 acre site is located on the southern end of Newhall Road, east of Grandale Drive, south of Sedwick Road (Tax Map 532-1-10)

Request: Rezoning from County PDR-3.2 to City PDR-3.2

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, to establish City PDR-

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3.2 zoning for the above described property--effective June 30, 1998.

Zoning Committee's Recommendation: Approval (6-0)

City Manager's Recommendation: Approval

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Miller to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, to establish City PDR-3.2 zoning for the above described property--effective June 30, 1998 was approved at 10:20 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: ZONING MATTER CASE P98-24, CITY OF DURHAM ANNEXATION, NORTH SIDE OF U. S. HIGHWAY 70 EAST OF LEESVILLE ROAD WEST OF WAKE COUNTY LINE

Case: P98-24 - Annexation

Initiated by: City of Durham

Location: The 14.155 acre site is located on the north side of U.S. Highway 70, east of Leesville Road, west of the Wake County line (Tax Map 649-2-30C).

Request: Rezoning from County CT(D) to City CT(D)

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by to establish City CT(D) zoning for the above described property--effective June 30, 1998.

Zoning Committee's Recommendation: Approval (6-0)

City Manager's Recommendation: Approval

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Miller to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by to establish City CT(D) zoning for the above described property--effective June 30, 1998 was approved at 10:20 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members

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Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: ZONING MATTER CASE P98-25, CITY OF DURHAM ANNEXATION, GRENFELL DRIVE EAST OF AMBURST STREET NORTHWEST OF BARBEE ROAD

Case: P98-25 - Annexation

Initiated by: City of Durham

Location: The 3 acre site is located on both sides of Grenfell Drive, east of Amhurst Street, northwest of Barbee Road (Tax Maps 535-1-12, 13, 14 and 535-6-11, 12, 13)

Request: Rezoning from County RD; F/J-B to City RD; F/J-B

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, to establish City RD; F/J-B zoning for the above described property--effective June 30, 1998.

Zoning Committee's Recommendation: Approval (6-0)

City Manager's Recommendation: Approval

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Miller to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, to establish City RD; F/J-B zoning for the above described property--effective June 30, 1998 was approved at 10:21 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: ZONING MATTER CASE P98-26, CITY OF DURHAM ANNEXATION, TREYBURN SOUTH OF LITTLE RIVER RESERVIOR AND NORTH OF SNOW HILL ROAD

Case: P98-26 - Annexation

Initiated by: City of Durham

Location: The 61.02 acre site is located within Treyburn, south of Little River Reservoir, and north of Snow Hill Road (Tax Maps 848-2-1 partial and 850-1-27 partial)

Request: Rezoning from County PDR-2.24; M/LR-A and F/J-B to City PDR-2.24; M/LR-A and F/J-B

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, to establish City PDR-

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2.24; M/LR-A and F/J-B zoning for the above described property--effective June 30, 1998.

Zoning Committee's Recommendation: Approval (6-0)

City Manager's Recommendation: Approval

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Miller to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, to establish City PDR-2.24; M/LR-A and F/J-B zoning for the above described property--effective June 30, 1998 was approved at 10:21 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

[OTHER MATTERS]

SUBJECT: FIREWORKS DISPLAY CONTRACT - FIREWORKS UNLIMITED OF NORTH CAROLINA, INC., ANNUAL 4TH OF JULY CELEBRATION AT WALLACE WADE STADIUM

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to enter into a contract with Fireworks Unlimited of North Carolina, Inc. in the amount of \$15,000 to display fireworks at the annual 4th of July celebration at Wallace Wade Stadium was approved at 10:21 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: BUDGET MATTERS

The following individuals requested to speak on this matter:

Phil Wiggins, representing the Fraternal Order of Police, noted that the Durham Police Department was losing officers due to low pay from the City of Durham. He also raised concern that a cost-of-living pay for employees had not be granted for several years.

David Smith, representing the Friends of Durham, spoke in opposition to the proposed 37% increase for city council employees.

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Hugh Lecky spoke in opposition to the proposed salary increase for council members.

Harry Dawley spoke in opposition to the 37% percent pay raise for council employees.

To receive a report from the Administration concerning changes made by the Finance Committee and Staff to the 1998-99 City of Durham Preliminary Budget and 1999-00 Resource Allocation Plan.

Laura Gill, Budget Director, briefed council on the changes made to the 1998-99 City of Durham Preliminary Budget.

A motion was made by Council Member Larson to approve all budget items as printed in the agenda **with the exception of the 37% wage increase for City Council Members.** This motion was seconded by Mayor Pro Tempore Clement.

Mayor Pro Tempore Clement requested a friendly amendment to Council Member Larson's motion "Mayor and Council receive a 3% percent increase in pay and remaining \$53,000 to be allocated to the Police Department."

Council Member Miller requested that the item 24 (2) [an amendment to Privilege License] be severed from Council Member Larson's motion.

A substitute motion was made by Council Member Miller to pay City Council Members a stipend of \$100 per month and a \$200 stipend per month for the Mayor [City Manager to reallocate the remaining \$187,000 at his discretion] and to vote on the privilege license amendment separately. This motion was seconded by Council Member Cox.

Mayor Tennyson recommended that action on the budget be taken in the following order: 1) Privilege License; 2) Council Salaries; and; 3) Overall budget.

To adopt "An Ordinance to Amend Article VII, Section 72 of Appendix A of the License and Privilege Tax Ordinance of the City of Durham."

Council Member McKissick spoke in opposition to the privilege license amendment being proposed by the administration. He stated a vote on the privilege license ordinance was just approved at the last council meeting and now the staff is requesting a reduction relative to the \$8,000 cap which would result in a loss of about \$38,000. He stated the privilege license should remain as acted upon on June 1, 1998 and the additional \$38,000 should be used to strengthen the Police Department as indicated.

City Manager Ewell stated the staff was not being inconsistent with the original concept to help support the Police Department.

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He noted the reduction in the \$8,000 cap as proposed this evening would not generate the same amount of money that was originally projected for the Police Department and the administration has not changed the commitment to shift the privilege license funds to the Police Department. Mr. Ewell stated the reason they were recommending reducing the cap of \$8,000 for service establishments and businesses and replacing same with \$2,500 was because the City of Durham was one of the only two cities that would have a \$8,000 cap and due to public comments received.

MOTION by Council Member McKissick seconded by Council Member Blyth to add to the current budget proposal \$38,000 [retain the \$8,000 cap for service establishments and businesses] was approved at 11:00 p.m. by the following vote: Ayes: Council Members Blyth, Brown, Burnette, Cox, Engelhard, Jacobs, Langley, McKissick and Miller. Noes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Griffin and Larson. Absent: None.

Mayor Tennyson stated the next action by council would be the substitute motion to pay a \$100 per month stipend to Council Members and a \$200 per month stipend to the Mayor and remaining funds to be reallocated at the City Manager's discretion.

SUBSTITUTE MOTION by Council Member Miller seconded by Council Member Cox to adjust City Council Members salaries by paying a \$100 per month stipend to City Council Members and a \$200 per month stipend to the Mayor and the remaining \$187,000 to be reallocated at the City Manager's discretion **FAILED** at 11:03 p.m. by the following vote: Ayes: Council Members Burnette, Cox, Miller and Blyth. Noes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Langley, McKissick, Jacobs, Larson, Griffin, Brown and Engelhard. Absent: None.

Mayor Tennyson stated the next action by council would be the motion to increase the Mayor and Council salaries by 3 percent and to allocate the remaining \$53,000 to the Police Department.

A substitute motion was made by Council Member Blyth to approve a salary increase for City Council Members as recommended by the Finance Committee. This motion was seconded by Council Member Burnette.

Several Council Members spoke in support of Council Member Blyth's motion.

Mayor Tennyson, Mayor Pro Tempore Clement and Council Member Larson spoke in opposition to the 37% salary increase.

SUBSTITUTE MOTION by Council Member Blyth seconded by Council Member Burnette to approve a salary increase for City Council Members as recommended by the Finance Committee [\$15,100 for Council Members and \$19,218 for Mayor] was approved at 11:26 p.m. by the following vote: Ayes: Council Members Blyth, Brown,

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Burnette, Cox, Griffin, Jacobs, Langley and Miller. Noes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members McKissick, Larson and Engelhard. Absent: None.

a. Fiscal Year 1998-99 City of Durham Preliminary Budget

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to receive a report from the Administration concerning changes made by the Finance Committee and Staff to the 1998-99 City of Durham Preliminary Budget and 1999-00 Resource Allocation Plan was approved at 11:29 p.m. by the following vote: Ayes: Mayor Tennyson and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: Mayor Pro Tempore Clement. Absent: None.

- 1) **MOTION** by Council Member Larson seconded by Mayor Pro Tempore Clement to adopt a "Resolution Superseding Resolution #7780 Regarding the Level of Fund Balance in the Operating Funds of the City of Durham Annual Budget" was approved at 11:29 p.m. by the following vote: Ayes: Mayor Tennyson and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: Mayor Pro Tempore Clement. Absent: None.
- 3) **MOTION** by Council Member Larson seconded by Mayor Pro Tempore Clement to adopt "An Ordinance Amending the Annual Base Salaries of the City Manager, the City Attorney, and the City Clerk" was approved at 11:29 p.m. by the following vote: Ayes: Mayor Tennyson and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: Mayor Pro Tempore Clement. Absent: None.

b. Capital and Grant Project Ordinances

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to receive a report from the Administration concerning Capital and Grant Project Ordinances; and

To adopt the "City of Durham Capital Project Ordinance Amending Time Periods for Certain Capital Projects; and

To adopt the following Capital and Grant Project Ordinances was approved at 11:29 p.m. by the following vote: Ayes: Mayor Tennyson and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: Mayor Pro Tempore Clement. Absent: None.

"City of Durham Capital Project Ordinance Amending Time Periods

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for Certain Capital Projects

- 1) "City of Durham and North Carolina Department of Transportation Section 104(f) and Section 133(b)(3)(7) Transportation Planning Grant Project Ordinance - FY 1998-99"
- 2) "City of Durham Grant Project Ordinance FY 1998-99 Transit Planning Grants"
- 3) "City of Durham Grant Project Ordinance FY 1998-99 Transit Section 9 Capital Grant"
- 4) "City of Durham Grant Project Ordinance Advanced Technology Grant"
- 5) "City of Durham Grant Project Ordinance FY 1996-97 Transit Section 9 Capital Grant"
- 6) "City of Durham Grant Project Ordinance Home Consortium Program 1998-99"
- 7) "City of Durham Grant Project Ordinance Community Development Block Grant 1998-99"
- 8) "Ordinance Superseding City of Durham Grant Project Ordinance #11069 As Amended Concerning Community Development Block Grant for 1993-94"
- 9) "Ordinance Superseding City of Durham Grant Project Ordinance #11070 As Amended Concerning Community Development Block Grant for 1994-95"
- 10) "Ordinance Superseding City of Durham Grant Project Ordinance #11071 As Amended Concerning Community Development Block Grant for 1995-96"
- 11) "Ordinance Superseding City of Durham Grant Project Ordinance #11072 As Amended Concerning Community Development Block Grant for 1996-97"
- 12) "Ordinance Superseding City of Durham Grant Project Ordinance #11197 As Amended Concerning Community Development Block Grant for 1997-98"
- 13) "City of Durham Employment and Training Project Ordinance For Federal Grant July 1, 1998 Until All Funds are Expended"
- 14) "City of Durham Employment and Training Project Ordinance for Federal Grant October 1, 1997 Until All Funds are Expended"
- 15) "City of Durham Employment and Training Project Ordinance July 1, 1998 through June 30, 1999"

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c. Fiscal Year 1997-98 Budget Ordinance Amendment #4

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to adopt "An Ordinance Amending the 1997-98 City of Durham Budget Ordinance, the Same Being Ordinance #11158," as amended was approved at 11:29 p.m. by the following vote: Ayes: Mayor Tennyson and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: Mayor Pro Tempore Clement. Absent: None.

d. Fiscal Year 1997-98 Internal Service Fund Financial Plans Resolution - Housekeeping Amendment

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to adopt a "Resolution Amending Resolution 8355, As Amended, Establishing FY 1997-98 Financial Plans for Internal Service Funds" was approved at 11:29 p.m. by the following vote: Ayes: Mayor Tennyson and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: Mayor Pro Tempore Clement. Absent: None.

e. City-County Tax Collection Interlocal Agreement

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to authorize the City Manager to execute the City-County Tax Collection Interlocal Agreement was approved at 11:29 p.m. by the following vote: Ayes: Mayor Tennyson and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: Mayor Pro Tempore Clement. Absent: None.

f. Pay Plan Amendments

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to approve Pay Plan amendments as outlined below [considered and approved during Finance Committee budget hearings] was approved at 11:29 p.m. by the following vote: Ayes: Mayor Tennyson and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: Mayor Pro Tempore Clement. Absent: None.

Pay Plan Recommendations

Pay plan merit percentages are recommended to be increased to 4% for employees paid from minimum up to midpoint, to 3% for employees paid from midpoint up to 10% above midpoint, and to 2% for employees paid from 10% above midpoint to the maximum pay. These higher merit percentages enhance the City's ability to attract and retain employees because new and current employees

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often evaluate their potential salary growth as they consider employment. Increasing the speed of movement to the market rate is essential in attracting and fairly rewarding qualified employees.

Also recommended is implementation of a 2% bonus, not added to base salary, for employees working at the highest performance level. This reward, however, is to be implemented only after sufficient supervisory training has been conducted to ensure appropriate and equitable use of this rating. This bonus award is recommended to be funded based on an estimate that 10% of employees receive the highest performance rating. This would require that supervisors carefully differentiate performance levels to determine which employees are truly outstanding.

In order to fund these higher merit percentages, the recommendation is to eliminate longevity eligibility for employees hired on and after the beginning of Fiscal Year 1998-1999. Consistent with the pay philosophy, this change will allow the City to move funds away from a reward for service time to pay for performance.

g. 1998-99 City of Durham Budget Ordinance

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to adopt the "1998-99 City of Durham Budget Ordinance" as amended was approved at 11:29 p.m. by the following vote: Ayes: Mayor Tennyson and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: Mayor Pro Tempore Clement. Absent: None.

h. Resolution Establishing FY 1998-99 Financial Plans for Internal Service Funds

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to adopt a "Resolution Establishing FY 1998-99 Financial Plans for Internal Service Funds" was approved at 11:29 p.m. by the following vote: Ayes: Mayor Tennyson and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: Mayor Pro Tempore Clement. Absent: None.

After the vote was taken on the remaining items in the budget, Laura Gill informed council she would provide the City Clerk with an amended "1998-99 City of Durham Budget Ordinance."

Council Member Larson stated as the maker of the motion to approve the remaining items not severed, the intent of his motion was approval of the budget ordinance as amended.

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[SUPPLEMENTAL MATTERS]

SUBJECT: MAYOR'S NOMINATION TO THE DURHAM CONVENTION & VISITORS BUREAU

MOTION by Council Member Larson seconded by Council Member Cox to approve the Mayor's nomination of Don Ball to the Durham Convention & Visitors Bureau, Visitor Sector Advisory Board to represent the food service category was approved at 11:30 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: DURHAM CITY COUNCIL - DURHAM COUNTY BOARD OF COMMISSIONERS JOINT RESOLUTION CONCERNING ANIMAL OVERPOPULATION

MOTION by Council Member Larson seconded by Council Member Miller to adopt the attached "Durham City Council - Durham County Board of Commissioners Joint Resolution" was approved at 11:30 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: RESOLUTION CHANGING AN ENFORCEMENT DATE FOR THE BANNING OF DISPOSAL RECYCLABLES

MOTION by Council Member Larson seconded by Council Member Miller to adopt a "Resolution Changing an Enforcement Date for Penalty Fees for Noncompliance with an Ordinance Regarding the Banning of Disposal of Recyclables"--extends effective date from July 1, 1998 to October 1, 1998 was approved at 11:30 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: CAROLINA THEATRE - MUNICIPAL GRANT AGREEMENT AMENDMENT

Assistant City Manager John Pedersen briefed council on the change of the amount of the grant from \$360,000 to \$452,500.

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to enter into an amendment of Municipal Grant Agreement #98-48 with the Carolina Theatre for the purpose of extending the term of that agreement from June 30, 1998 to September 30, 1998; and to change the amount of the grant from \$360,000 to \$452,500 with the additional \$92,500 to be payable on

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July 1, 1998 was approved at 11:32 p.m. by the following vote:
Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: RESOLUTION IN SUPPORT OF "FUNDS FOR LOW-INCOME HOUSING (S.1311/H.1390)" AND "HOMES AND COMMUNITY PARTNERSHIP FUNDS (S.1468/H.1531)"

MOTION by Council Member Larson seconded by Council Member Cox to adopt a resolution in support of "Funds for Low-Income Housing (S.1311/H.1390)" and "Homes and Community Partnership Funds (S.1468/H.1531)" was approved at 11:33 p.m. by the following vote:
Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

[ITEMS PULLED FROM THE CONSENT AGENDA]

SUBJECT: CITIZENS REVIEW BOARD RULES OF PROCEDURE

To adopt the City of Durham - Citizens Review Board Rules of Procedure.

Chris Tiffany spoke on this item.

Captain Steve Chalmers, of the Police Department, recommended that the following sentence be added to Section 4.4 Appeals Procedures.

"The board shall not grant appeals to or hear cases of complainants who have initiated or in the process of initiating a civil action against the City of Durham, the Police Department or any individual thereof concerning said case."

Captain Chalmers noted this addition was the consensus of the Police Attorneys as well as the City Attorney's Office.

Council Member Larson asked if the additional language would address a situation were a complainant might ask the board to consider _____ if someone else files a lawsuit on the same issue.

Captain Chalmers stated he would have the Police Attorney and City Attorney clear up the language to make it applicable to Council Member Larson's concerns.

A motion was made by Mayor Pro Tempore Clement to add language stating a complainant could go through the court system if not satisfied with the findings of the City Manager. Motion failed

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due to the lack of a second.

MOTION by Council Member Larson seconded by Council Member Cox to adopt the City of Durham - Citizens Review Board Rules of Procedure as amended [additional language as stated by Captain Chalmers] and to ask the City Attorney's Office to draft language where a case may not be brought to the appeals board if it is subject to litigation was approved at 11:44 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: REPORT FROM CITY COUNCIL HOUSING AUTHORITY SUBCOMMITTEE

To receive a report from the City Council Housing Authority Subcommittee.

The following persons spoke in support of the council approving the recommendations in the report: Willie Hatch; Marianna Breyer; William Brandon; Virginia Quick; Lizzie Harris; Sandra Battle; Steve Hopkins; and Robert Michaux.

Dolores Rogers, representing the Durham Housing Authority, spoke in support of the council only receiving the subcommittee's report this evening and suggested that council review the report and submit recommendations that are not redundant to the things already being done by the housing authority.

For clarification, Kenda Kirby stated the role of the Human Relations Commission would be for support.

Several council members noted by only receiving the report this evening did not mean the council would not be taking any further action. It was noted that the City Manager would be reviewing the report to bring back to council recommendations and adding clarity where there may be some items unclear to the council.

MOTION by Council Member Larson seconded by Council Member Miller to receive a report from the City Council Housing Authority Subcommittee was approved at 12:15 a.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

There being no further business to come before the Council, the meeting was adjourned at 12:15 a.m.

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D. Ann Gray
Deputy City Clerk

Margaret M. Bowers, CMC
City Clerk